

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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D.J.C.V. and Mr. C.,

Petitioners,

-against-

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,

Respondents.
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SUMMARY ORDER

18 Civ. 9115 (AKH)


ALVIN K. HELLERSTEIN, U.S.D.J.:

Except in the most dreadful circumstances, a court should not countenance the cruelty of the separation of a parent and child by the government. Here, the government does not allege that Petitioner Mr. C. is unwilling or unfit to care for Petitioner D.J.V.C., his child, or any other adequate reason why petitioners should not be reunited. For these reasons, and for the reasons stated on the record, the court finds that continued separation of the petitioners would cause irreparable harm to them both, and that petitioners have established a likelihood of success on the merits in connection with their petition for injunctive relief. In this regard, the court considers persuasive the decisions of other federal courts in similar cases. *See, e.g., Cruz Paz v. Lloyd et al.*, No. 18 Civ. 8993, ECF No. 11 (S.D.N.Y. Oct. 5, 2018) (Crotty, J.); *Paixao v. Sessions et al.*, No. 18 Civ. 4591, ECF No. 16 (N.D. Ill. July 5, 2018) (Shah, J.); *Souza v. Sessions et al.*, No. 18 Civ. 4412, ECF No. 23 (N.D. Ill. Jun. 26, 2018) (Shah, J.); *Maldonado v. Lloyd et al.*, No. 18 Civ. 3089, ECF No. 28 (S.D.N.Y. May 4, 2018) (Keenan, J.). Mr. C.'s single misdemeanor conviction from eight years ago does not provide a sufficient basis to distinguish this case.

The government is ordered to turn over D.J.C.V. to her father immediately, pursuant to the conditions laid out in an Order to follow. The clerk is directed to terminate all open motions.

SO ORDERED.

Dated: October 15, 2018
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge